

# Fundamentals of the Section 319 Program

*Nonpoint Source Pollution Program*



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Management

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## Outline



- What is Nonpoint Source Pollution?
- CWA Section 319 Program Basics
- Available Funding
- Case Study
- Jamestown S'Klallam Tribe 319 Program – Hansi Hals

## What is Nonpoint Source Pollution?

- When rainfall, snowmelt, or irrigation runs over land or through the ground, picks up pollutants, and deposits them into rivers, lakes, or the ocean or introduces them into ground water.
  - Can be difficult to identify sources or quantify amount of pollutants from specific sources
  - Very little, if any, regulatory control

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## Significant Sources of NPS Pollution

- |                                  |                          |
|----------------------------------|--------------------------|
| ■ Agriculture                    | ■ Urban runoff           |
| ■ Unrestricted livestock grazing | ■ Abandoned mines        |
| ■ Poor site and design of roads  | ■ Faulty septic systems  |
| ■ Forestry                       | ■ Construction           |
| ■ Hydromodification              | ■ Atmospheric Deposition |

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# NPS Program Goal

**Control NPS pollution** through implementation of management measures and practices to reduce pollutants resulting from various categories of nonpoint sources identified in the Tribe's NPS assessment report



## Provisions in the Clean Water Act to Address NPS Pollution

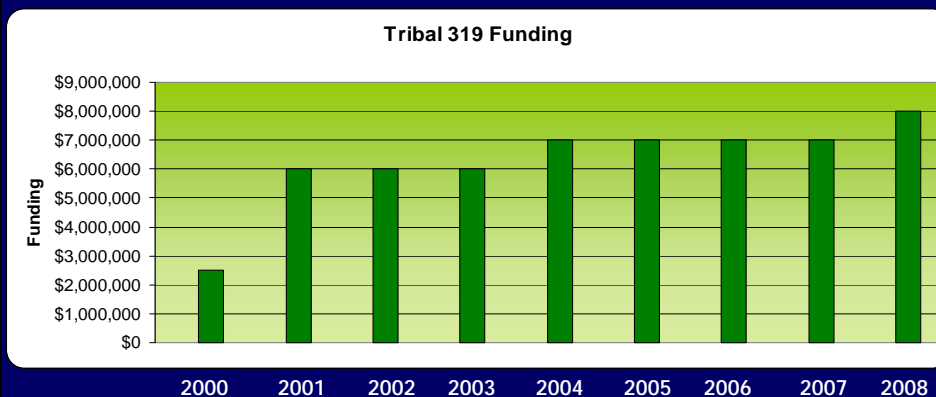
- **Added to the Clean Water Act in 1987**
- **Section 319**
  - Provides grants to states, territories, and Tribes to address the problems caused by NPS pollution
- **Section 518**
  - Authorizes EPA to treat federally recognized Indian Tribes in the same manner as states and extend grants funded through section 319

## Congressionally Authorized Funding Section 319 (h)

- Section 518 originally set a funding cap on Section 319 funds awarded to Tribes of 1/3 of 1 percent of available 319 funding.
- Congress authorized exceeding this cap, so EPA has increased funding for the Tribal NPS Program every year since 2000.

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## Historical Tribal 319 Funding



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## Eligible Activities

*\*must implement a tribe's NPS management program*

- NPS training for tribal staff
- Develop NPS education programs
- Hiring a NPS Coordinator
- Developing watershed-based plans
- Road stabilization/removal
- Riparian planting
- Stream channel reconstruction
- Wetland development for sediment/toxins removal
- Low impact development projects/stormwater mitigation
- Riparian livestock exclusion fencing/off-site watering
- Springs protection
- Outhouse removal/rehab
- Retention ponds
- LWD placement
- Project monitoring

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## Section 319 Funding for Tribal Programs

- **Base grant**
  - \$30,000 for Tribes with 1,000 mi<sup>2</sup> or less
  - \$50,000 for Tribes with more than 1,000 mi<sup>2</sup>
- **Competitive grant**
  - \$150,000 to implement on-the-ground water quality improvement projects
- **Match Required**
  - Non-federal match = 40%
  - Demonstrate financial hardship = 10%
  - Inclusion in a PPG = 5%

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## FY 2008 Grants

### Base Grants

- 114 tribal workplans approved and funded
- \$3.8 million

### Competitive Grants

- 32 workplans approved and funded out of a total of 50 submitted proposals
- \$4.2 million

**TOTAL = \$8,000,000**

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## How Can My Tribe Receive Funding?

1. "Treatment in the same manner as a State"
  - Federally recognized
  - Tribe has substantial governmental duties
  - Legal authority or jurisdiction to carry out grant purposes on tribal land
  - Demonstrate capability to carry out activities

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# How Can My Tribe Receive Funding?

## 2. Approved Nonpoint Source Assessment Report

- Describes existing and potential NPS on lands
- Causes, extent, and effect of sources
- Describes existing programs and methods used for controlling sources



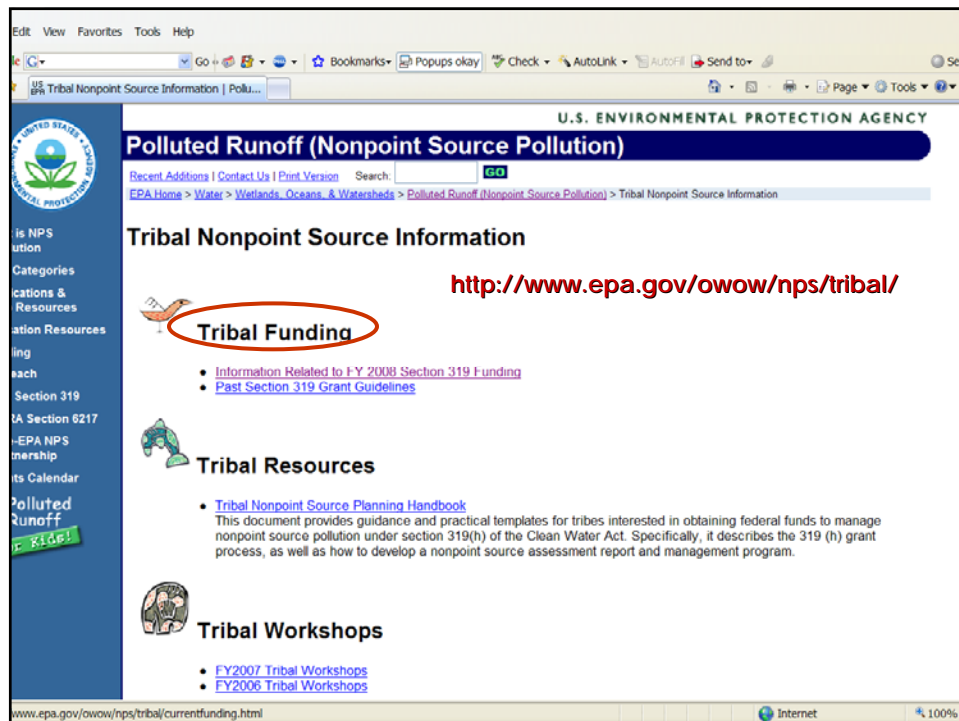
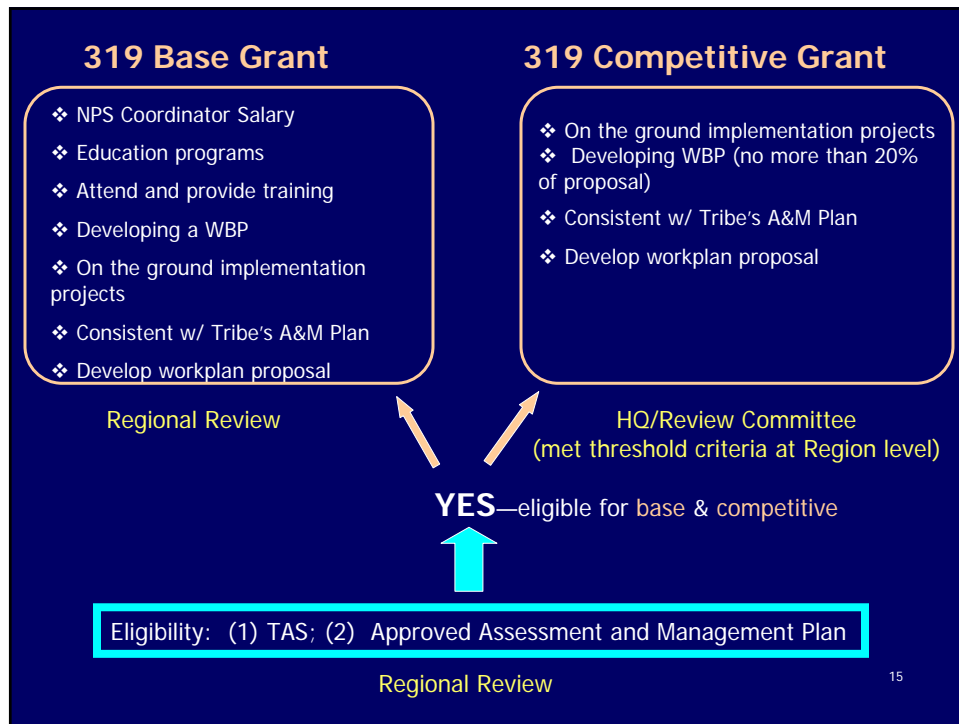
# How Can My Tribe Receive Funding?

## 3. Approved Nonpoint Source Management Program

- Describes how the tribe intends to correct and/or prevent existing or potential NPSs

Deadline to be eligible for FY09 funding: October 10, 2008







## Some Interesting Section 319 Program Facts

- From 1997 to 2008, Tribes eligible to participate have increased from **11** to **137** (all Regions except Region 3 )
- Tribes eligible to participate represent about 75 percent of all tribal land, approximately 40 million acres

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## Features of FY08 Watershed Projects

- Watershed-based plan development
- Strong partnerships
- Leveraging funding
- Specific, measurable goals
- Watershed-wide efforts vs. individual demonstration projects



# Example of a Tribe Using Section 319 Competitive Funding

## Nooksack Indian Tribe FY07 Watershed Project

- WA state, near Bellingham, Puget Sound
- ESA listing for chinook
- Focus on Lower SF Nooksack Ri (as indicated in Tribe's NPS Management Plan)



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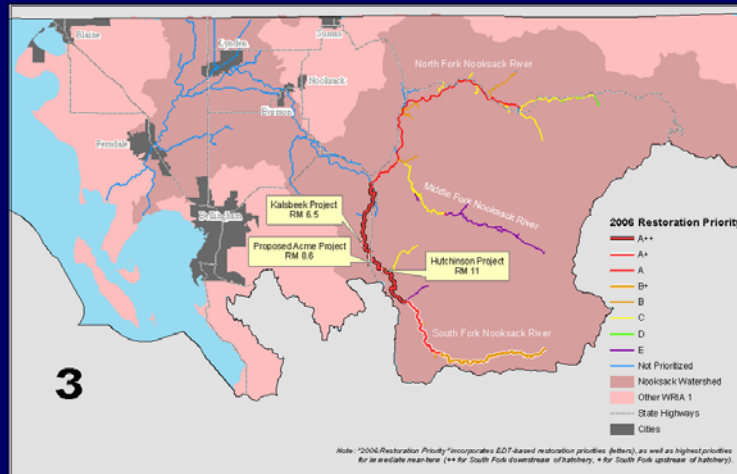
# Nooksack Indian Tribe FY07 Watershed Project

## Project Location

- ¼ mi. reach (RM 8.5 – 8.8)
- Immediately u/s from the town of Acme, state Hwy. bridge, a natural gas pipeline, county roads, farms, and residences.
- County property—u/s from reservation
- Partners: Whatcom Co. and 3 private owners

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# Nooksack Indian Tribe FY07 Watershed Project



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### Objectives:

- ❖ Regain stream channel stability and complexity
- ❖ restore native floodplain riparian forests
- ❖ provide thermal refuge for salmonids

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## Nooksack Indian Tribe FY07 Watershed Project

### Measurable Outcomes:

- ❑ Pools: 2°C lower than reach ave. temp in summer
- ❑ Increased shading
- ❑ Increase in pool depths and # of pools
- ❑ Increase in wood jams at both high and low flows
- ❑ Increase in density of juvenile chinook and # of holding chinook in reach



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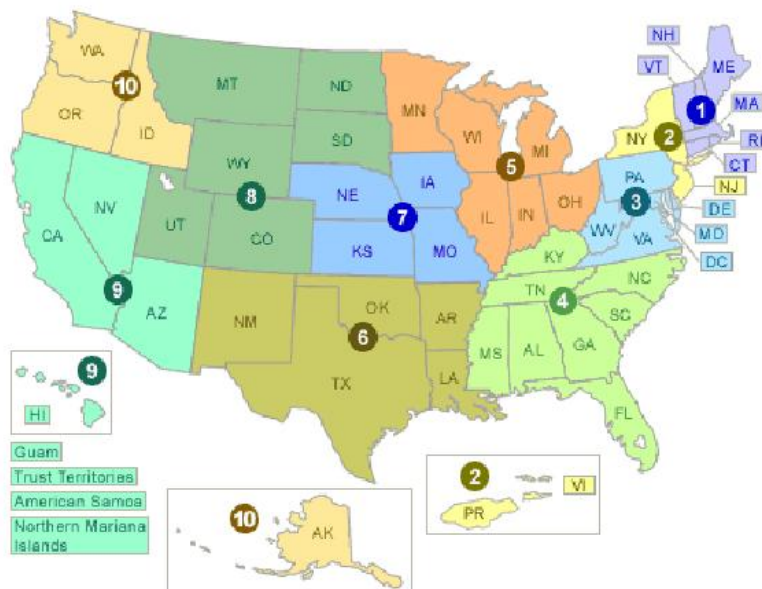
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EPA Regions